

JUDGE CASTEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF NEW YORK

-----X
JOHN ASSADI, ESQ.,

Plaintiff,

-against-

UNITED STATES CITIZENSHIP & IMMIGRATION
SERVICES,

Defendant.
-----X

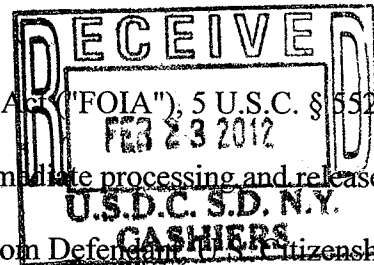
12 CV 1374

Case No.:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, for injunctive and other appropriate relief, seeking the immediate processing and release of agency records requested by the Plaintiff, John Assadi, Esq., from Defendant, U.S. Citizenship & Immigration Services ("USCIS"), an agency of the United States government.



JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff John Assadi is a partner in the law firm of Assadi & Milstein, LLP. He is a U.S. citizen, resides in New York, New York, and has his principal place of business at 61 Broadway, Suite 2824, New York, New York, 10006.

5. Defendant United States Citizenship & Immigration Services ("USCIS") is an agency of the United States Government and is headquartered at 20 Massachusetts Avenue, N.W., Washington D.C. 20529-2000. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

6. On October 11, 2011, Plaintiff John Assadi properly submitted a FOIA request to Defendant seeking access to the records of USCIS. Plaintiff's request sought access to any and all documents, including operational and administrative policies, intra-agency and inter-agency memoranda, letters, cables, emails, personal correspondence or other communications, including any communications from and between the National Visa Center (NVC), Fraud Prevention Unit, the American Embassies/Consulates in Ankara, Istanbul and Adana, Turkey, the American Embassy in Paris France, and the American Embassy in Abu Dhabi, United Arab Emirates, relating to John Assadi, John J. Assadi, or Assadi & Milstein, LLP, but excluding any documents or supporting documents or supporting documents filed or submitted by John Assadi. (See **Exhibit A**).

7. By letter dated October 20, 2011, Defendant acknowledged receipt of Plaintiff's FOIA request, and designated the request as control number COW2011000911. (See **Exhibit B**).

8. On November 21, 2011, Defendant informed Plaintiff that after completing its review of Plaintiff's request it had identified 23 pages of documents that were responsive. However, Defendant denied Plaintiff's request in full, claiming the documents fell under the exemptions contained at 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C) "are applicable." (See **Exhibit C**).

9. Defendant stated, “[t]he types of documents and/or information that we have withheld under [5 U.S.C. § 552(b)(5)] may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.” Defendant did not provide any further description of the documents withheld under this exemption.

10. Defendant went on to state, “[t]he types of documents and/or information that we have withheld [under 5 U.S.C. § 552(b)(6)] may consist of birth certificates, naturalization certificates, driver’s license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.” Defendant did not provide any further description of the documents withheld under this exemption.

11. Finally, Defendant stated, “We have withheld information [under 5 U.S.C. § 552(b)(7)(C)] relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.” Defendant did not provide any further description of the documents withheld under this exemption.

12. Defendant did not provide an index to the withheld documents commonly referred to as a “Vaughn Index.” FOIA requires that administrative agencies withholding documents from requestors under any of the exemptions contained at 5 U.S.C. § 552 provide a Vaughn Index. Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). A Vaughn Index “must adequately describe each withheld document or portion of a document, and must state the claimed exemption with sufficient specificity to ‘permit a reasoned judgment as to whether the material is actually exempt under FOIA.’” NAACP Legal Defense and Educational

Fund, Inc. v. U.S. Dept. of Housing and Urban Development, WL 4233008, 9 (S.D.N.Y. 2007), quoting Founding Church of Scientology of Wash., D.C., Inc. v. Bell, 603 F.2d 945, 949 (D.C. Cir. 1979). Defendant provided only the aforementioned generalized language in its description of the materials that may or may not have been withheld under the exemptions claimed at 5 U.S.C. § 552.

13. On November 29, 2011, Plaintiff submitted a letter appealing Defendant's denial. (See **Exhibit D**).

14. By letter dated December 7, 2011, Defendant acknowledged receipt of Defendant's appeal and designated the appeal as control number APP2011001027. (See **Exhibit E**).

15. By letter dated January 12, 2012, Defendant affirmed the initial denial of Plaintiff's FOIA request, stating that it had "determined that the National Records Center properly withheld certain information that is protected from disclosure under the Freedom of Information Act and that this information is not appropriate for discretionary release." (See **Exhibit F**).

CLAIMS FOR RELIEF

COUNT ONE

(Failure to Provide Responsive Records, 5 U.S.C. § 552(3)(A))

16. The allegations contained in ¶¶ 1 – 15 above are incorporated as though fully set forth herein.

17. Defendant failed to provide records responsive to Plaintiff's properly filed FOIA request, as it is required to do pursuant to 5 U.S.C. § 522(3)(A).

18. Defendant improperly relied on exemptions under 5 U.S.C. §§ 552(b)(5), (b)(6), and (b)(7)(C) in withholding responsive records. An agency withholding documents responsive to a FOIA request may not do so on the basis of "conclusory and generalized allegations of

exemptions,” but must instead provide the requestor with a “relatively detailed analysis in manageable segments” of all withheld documents. Vaughn, at 826. In its denial of Plaintiff’s request, Defendant merely stated the statutory definition of each exemption and listed an expansive, hypothetical series of categories that the 23 pages of responsive documents may or may not fall under.

19. Defendant failed to provide a Vaughn Index, as required by Vaughn.

20. Accordingly, Defendant’s withholding of responsive documents is improper and violates 5 U.S.C. § 552(3)(A).

COUNT TWO
(Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412)

21. The allegations contained ¶¶ 1 – 20 above are incorporated as though fully set forth herein.

22. If a prevailing party, Plaintiff will seek attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, and in light of the foregoing, Plaintiff respectfully requests that this Court:

- A. Grant a declaratory judgment that Defendant has violated FOIA and that Plaintiff is entitled to immediately receive the documents referenced above;
- B. Enjoin Defendant from continuing to withhold any and all non-exempt documents responsive to Plaintiff’s October 11, 2011 FOIA request;
- C. Grant Plaintiff an award of attorney’s fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

D. Grant Plaintiff such other and further relief as this Court may deem just and proper.

Dated:

Respectfully submitted,


s/ Rakhel Speyer Milstein, Esq.

Rakhel Speyer Milstein, Esq.

Assadi & Milstein LLP

61 Broadway, Suite 2824

New York, NY 10006

Telephone: (212) 981-1981

FAX: (212) 643-9192

rmilstein@assadimilstein.com

Attorney for Plaintiff John Assadi

FREEDOM OF INFORMATION / PRIVACY ACT REQUEST

October 11, 2011

U.S. Citizenship and Immigration Services
National Records Center (NRC), FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Dear FOIA Officer:

This is a request filed under the Freedom of Information Act and Privacy Act.

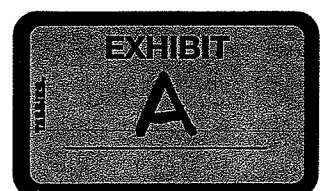
My name is John J. Assadi and I was born on December 10, 1960 in Pittsburgh, Pennsylvania.

Date range of request: January 1, 2009 through the current date.

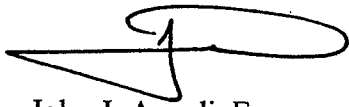
Description of request: Please search the records of the USCIS and provide any and all records, including operational and administrative policies, intra-agency and inter-agency memoranda, letters, cables, emails, personal correspondence or other communications (including any communications from and between the National Visa Center, Fraud Prevention Unit, the American Embassies/Consulates in Ankara, Istanbul and Adana, Turkey, the American Embassy in Paris, France and the American Embassy in Abu Dhabi, United Arab Emirates) relating to **John Assadi, John J. Assadi or Assadi & Milstein LLP** (the "FOIA Request Subjects"); but excluding any documents or supporting documents filed or submitted by John Assadi.

The circumstance that led to the creation of such records and the basis for my belief that such records exist within the USCIS relate to an unclassified memorandum issued by the State Department NVC Fraud Prevention Unit on February 19, 2010 to the American Embassy/Consulate, in Ankara, Turkey, among others, and the subsequent pattern of anomalous treatment by the USCIS of visa applications for applicants represented by the FOIA Request Subjects.

I am seeking information for personal use and not for commercial use.



Thank you for your consideration,

A handwritten signature in black ink, appearing to be 'John J. Assadi', with a large, stylized loop at the end.

John J. Assadi, Esq.
61 Broadway
Suite 2824
New York, NY 10006
(212) 981-1981
jassadi@assadimilstein.com

OMB No. 1615-0102; Expires 10/31/11

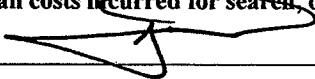
Department of Homeland Security
U.S. Citizenship and Immigration Services**Form G-639, Freedom of
Information/Privacy Act Request****NOTE:** Use of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.**START HERE - Type or print in black ink. Read instructions before completing this form.****1. Type of Request (Check appropriate box)**

- ☒ Freedom of Information Act (FOIA) (Complete all items except Number 6.)
- ☒ Privacy Act (PA) (Number 6 must be completed in addition to all other applicable items.)
- ☐ Amendment of Record (PA only) (Number 5 must be completed in addition to all other applicable items.)

2. Requester Information

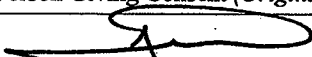
Name of Requester (Last, First, and Middle Names)		Date (mm/dd/yyyy)	Daytime Telephone
Assadi, John, J.		10/11/2011	212-981-1981
Address (Street Number and Name)			Apt. Number
61 Broadway			2824
City	State	Zip Code	
New York	NY	10006	

By my signature, I consent to pay all costs incurred for search, duplication and review of materials up to \$25 (See instructions)

Signature of Requester: 

- ☐ Deceased Subject - Proof of death must be attached (Obituary, Death Certificate, or other proof of death required)

3. Consent to Release Information (Complete if person is different from requester.) (Numbers 7 and 8 must be completed.)

Print Name of Person/Record Subject Giving Consent	Signature of Person Giving Consent (Original signature required)
John J. Assadi	

By my signature, I consent to allow the requester named in Number 2 above to review (Check applicable box):

- ☒ All of my records ☐ A portion of my records (If a portion, specify below what part, i.e., copy of application.)

(Consent is required for records of U. S. citizens (USC) and lawful permanent residents (LPR).)

4. Information Needed to Search for Record(s)

Identify the documents, records, or information you are seeking. Be as specific as possible.

Please see attached letter.

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS in locating the records needed to respond to your request.)

Please see attached letter.

5. Data Needed on Subject of Record (Note: Items marked with an asterisk (*) must be provided if known.)

*Family Name (Last Name)	Given Name (First Name)	Middle Name
Assadi	John	J.

5. Data Needed on Subject of Record (Continued)

*Other Names Used (if any)		* Name at time of entry into the U.S.		I-94 Admission #
*Alien Registration Number (A#)	* Petition or Claim Receipt #	* Country of Birth	*Date of Birth (mm/dd/yyyy)	
		U.S.A.	12/10/1960	

Names of other family members that may appear on requested record(s) (i.e., spouse, daughter, son):

*Family Member's Name: Given Name (First Name)	Middle Name	Family Name (Last Name)	Relationship
*Father's Name: Given Name (First Name)	Middle Name	Family Name (Last Name)	
*Mother's Name: Given Name (First Name)	Middle Name	Family Name (Last Name) (including Maiden Name)	

Country of Origin (Place of Departure)	Port of Entry Into the U.S.	Date of Entry (mm/dd/yyyy)
Manner of Entry (Air, Sea, Land)	Mode of Travel (Name of Carrier)	

6. Verification of Subject of Record's Identity (See instructions for explanation. Check one box.)
☒ In-Person With ID ☐ Notarized Affidavit of Identity ☐ Other (Specify): _____
7. Signature of Subject of Record
 (Original signature required): _____ Date (mm/dd/yyyy) 10-11-11
 Telephone No. 212-981-1981
8. Notary (Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)Subscribed and sworn to before me this 11th day of October in the year 2011
 Signature of Notary Rakhel Speyer Milstein OR My Commission Expires on July 26, 2012

NOTE: If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following (include notary seal or stamp in the appropriate space below):

Executed outside the United States

If executed outside the United States: "I declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature _____

Executed in the United States

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Signature _____

 RAKHEL SPEYER MILSTEIN
 Notary Public, State of New York
 No. 02MI6113375
 Qualified in Kings County
 Commission Expires July 26, 2012
 Seal or Stamp

Seal or Stamp

U.S. Citizenship
and Immigration
Services

October 20, 2011

COW2011000911

John J. Assadi
61 Broadway, Apt. 2824
New York, NY 10006

Dear John J. Assadi:

We received your request for information relating to the following on October 18, 2011.

... any and all records, including operational and administrative policies, intra-agency and inter-agency memoranda, letters, cables, emails, personal correspondence or other communications (including any communications from and between the National Visa Center, Fraud Prevention Unit, the American Embassies/Consulates in Ankara, Istanbul and Adana, Turkey, the American Embassy in Paris, France and the American Embassy in Abu Dhabi, United Arab Emirates, relating to John Assadi, John J. Assadi or Assadi & Milstein LLP (the "FOIA Request Subjects"); but excluding any documents or supporting Documents filed or submitted by John Assadi.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2011000911. Please cite this number in all future correspondence about your request.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.4(a)), USCIS uses a "cut-off" date to delineate the scope of a FOIA request by treating records created after that date as not responsive to that request. Therefore, in determining which records are responsive to your request, we will include only records in our possession as of October 20, 2011 the date we begin the search for records.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the complex track (Track 2). You may wish to narrow your request to a specific document in order to be eligible for the faster track. To do so, please send a written request, identifying the specific document sought, to the address above. We will notify you if your request is placed in the simple track.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.



COW2011000911

Page 2

This office will be providing your records on a Compact Disc (CD) for use on your personal computer. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. To request your responsive records on paper, please include your control number and write to the above address Attention: FOIA/PA Officer, or fax them to (816) 350-5785.

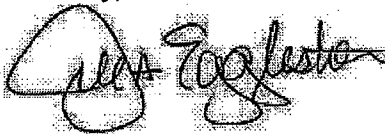
USCIS no longer collects Social Security Numbers in connection with FOIA or PA requests. When forwarding to us any documents related to your request, please ensure any Social Security Numbers on the documents are blanked out or removed.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

You may check the status of your FOIA request online, at www.uscis.gov. Click on "FOIA Request Status Check" located on the left side of the web page under "Other Services", and follow the instructions. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call The National Customer Service Center at 1-800-375-5283. Please be aware that the National Records Center no longer accepts FOIA/PA related questions directly by phone.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill A. Eggleston", written over a circular stamp or seal.

Jill A. Eggleston
Director, FOIA Operations

U.S. Department of Homeland Security
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

November 21, 2011

COW2011000911

John J. Assadi
61 Broadway, Apt. 2824
New York, NY 10006

Dear John J. Assadi:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office October 18, 2011 regarding the following:

... any and all records, including operational and administrative polices, intra-agency and inter-agency memoranda, letters, cables, emails, personal correspondence or other communications (including any communications from and between National Visa Center, Fraud Prevention Unit, the American Embassies/Consulates in Ankara, Istanbul and Adana, Turkey, the American Embassy in Paris, France and the American Embassy in Abu Dhabi, United Arab Emirates) relating to John Assadi, John J. Assadi or Assadi & Milstein LLP (the "FOIA Request Subjects") but excluding any documents or supporting documents filed or submitted by John Assadi.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.4(a)), USCIS uses a "cut-off" date to delineate the scope of a FOIA request by treating records created after that date as not responsive to that request. Therefore, in determining which records are responsive to your request, we included only records in the possession of this agency as of October 18, 2011, the date we began the search for records.

We have completed our review of your request and have identified 23 pages that are responsive. Based on our review, we have determined that your request is being denied in full. This information is exempt pursuant to 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C).

The following exemptions are applicable:

Freedom of Information Act U.S.C. § 552 (b)(5)

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.



COW2011000911

Page 2

Freedom of Information Act U.S.C. § 552 (b)(6)

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver's license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Freedom of Information Act U.S.C. § 552(b)(7)(C)

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process any type of petition/application or any other benefit under the Immigration and Nationality Act. Therefore, if you have any questions or wish to submit documentation relating to a pending petition/application or any other matter pending with the agency, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

FREEDOM OF INFORMATION ACT APPEAL

November 29, 2011

USCIS FOIA/PA Appeals Office
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139

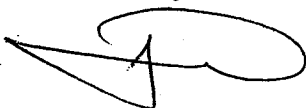
RE: COW2011000911 - FREEDOM OF INFORMATION ACT APPEAL

Dear Sir or Madam:

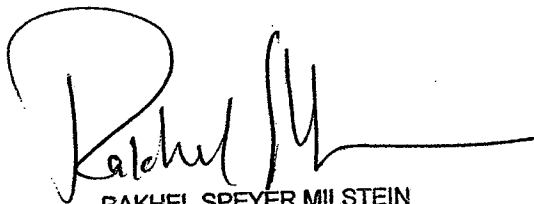
I hereby appeal from your determination dated November 21, 2011 (copy enclosed).

I do not agree that the exemptions listed in your determination apply in my case.

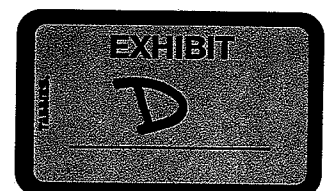
Sincerely,



John Assadi



RAKHEL SPEYER MILSTEIN
Notary Public, State of New York
No. 02MI6113375
Qualified in Kings County
Commission Expires July 26, 2012





U.S. Citizenship
and Immigration
Services

November 21, 2011

COW2011000911

John J. Assadi
61 Broadway, Apt. 2824
New York, NY 10006

Dear John J. Assadi:

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... any and all records, including operational and administrative policies, intra-agency and inter-agency memoranda, letters, cables, emails, personal correspondence or other communications (including any communications from and between National Visa Center, Fraud Prevention Unit, the American Embassies/Consulates in Ankara, Istanbul and Adana, Turkey, the American Embassy in Paris, France and the American Embassy in Abu Dhabi, United Arab Emirates) relating to John Assadi, John J. Assadi or Assadi & Milstein LLP (the "FOIA Request Subjects") but excluding any documents or supporting documents filed or submitted by John Assadi.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.4(a)), USCIS uses a "cut-off" date to delineate the scope of a FOIA request by treating records created after that date as not responsive to that request. Therefore, in determining which records are responsive to your request, we included only records in the possession of this agency as of October 18, 2011, the date we began the search for records.

We have completed our review of your request and have identified 23 pages that are responsive. Based on our review, we have determined that your request is being denied in full. This information is exempt pursuant to 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C).

The following exemptions are applicable:

Freedom of Information Act U.S.C. § 552 (b)(5)

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

COW2011000911

Page 2

Freedom of Information Act U.S.C. § 552 (b)(6)

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver's license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Freedom of Information Act U.S.C. § 552(b)(7)(C)

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process any type of petition/application or any other benefit under the Immigration and Nationality Act. Therefore, if you have any questions or wish to submit documentation relating to a pending petition/application or any other matter pending with the agency, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

U.S. Department of Homeland Security
HQ FOIA/PA Appeals
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139



U.S. Citizenship
and Immigration
Services

December 7, 2011

APP2011001027

John J. Assadi
61 Broadway, Apt. 2824
New York, NY 10006

Dear Mr. Assadi:

Re: COW2011000911

This is to advise you that we received your administrative appeal regarding the action by the National Records Center relating to USCIS communications regarding subject John J. Assadi, on October 20, 2011.

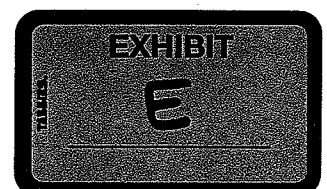
We have the responsibility of adjudicating appeals and will make every effort to respond to your request as quickly as possible. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. *We have assigned control number APP2011001027 to your appeal. Please mention this number in any future correspondence to this office regarding this matter.*

USCIS no longer collects Social Security Numbers in connection with FOIA or PA requests. When forwarding to us any documents related to your request, please ensure any Social Security Numbers on the documents are blanked out or removed.

We will notify you of the decision on your appeal as quickly as possible. However, we must first contact the National Records Center and obtain the background material on your request. If you have further questions, please direct your inquiry to this office.

Sincerely,

Alan D. Hughes
Associate Counsel, FOIA Appeals



U.S. Department of Homeland Security
Office of Chief Counsel
20 Massachusetts Ave., NW, 4th Floor
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

January 12, 2012

APP2011001027

John J. Assadi
61 Broadway, Apt. 2824
New York, NY 10006

Dear Mr. Assadi:

Re: COW2011000911

You appealed the action of the National Records Center regarding your request for access to records pertaining to USCIS communications regarding subject John J. Assadi, dated October 20, 2011. The original determination of the National Records Center was to withhold 23 pages in full.

After careful consideration of your appeal, we have decided to affirm the initial action in this case. We have determined that the National Records Center properly withheld certain information that is protected from disclosure under the Freedom of Information Act and that this information is not appropriate for discretionary release.

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B). The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Sincerely,

Alan D. Hughes, Associate Counsel
Commercial and Administrative Law Division
Department of Homeland Security
Citizenship and Immigration Services

